

1. Requested Action:

Meeting Date: August 1, 2011

Approval of a modification to the Sub-Grant Agreement between the Town of Fort Myers Beach and the Florida Department of Emergency Management for the Neighborhood Basin Based Drainage Improvement Project to extend the term of the Agreement to December 31, 2012.

Why the action is necessary:

To extend the term of the Agreement to provide adequate time for final design and construction of the project.

What the action accomplishes:

Approval of this Agreement provides for additional time to properly complete the project.

2. Agenda:

☒ Consent
☐ Administrative

3. Requirement/Purpose:

☐ Resolution
☐ Ordinance

4. Submitter of Information:

☐ Council
☒ Town Staff - Public Works

5. Background:

The Basin Based Drainage Improvement Project has been funded through the Hazard Mitigation Grant Program. Due to the delay in receiving approval to move the project forward to construction, the time allotted within the original Sub-Grant Agreement was not adequate to complete the project. This extension provides for the additional time necessary to finish the engineering design and complete the project



6. Alternative Action:

Do not seek additional time to complete the project.

7. Management Recommendations:

Approve

8. Recommended Approval:

| Town Manager | Town Attorney | Finance Director | Public Works Director | Community Development Director | Cultural Resources Director | Town Clerk |
|---|---------------|------------------|---|--------------------------------|-----------------------------|------------|
|  | | |  | | | |

9. Council Action:

☐ Approved ☐ Denied ☐ Deferred ☐ Other

AGREEMENT NUMBER: 11HM-3B-09-46-02-001
PROJECT NUMBER: 1609-48-R

MODIFICATION NUMBER ONE TO SUBGRANT AGREEMENT BETWEEN
THE DIVISION OF EMERGENCY MANAGEMENT AND
THE TOWN OF FORT MYERS BEACH

This Modification is made and entered into by and between the State of Florida, Division of Emergency Management, ("the Division"), and the Town of Fort Myers Beach ("Recipient") to modify DCA Contract Number 11HM-3B-09-46-02-001, which began September 28, 2010 ("the Agreement").

WHEREAS, the Division and the Recipient have entered into the Agreement, pursuant to which the Division has provided a subgrant to Recipient under the Hazard Mitigation Grant Program of \$422,622.00; and

WHEREAS, the Division and the Recipient desire to extend the term of the Agreement.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

1. Paragraph 3 of the Agreement is hereby amended to read as follows:

This Agreement shall begin September 28, 2010 and shall end December 31, 2012 unless terminated earlier in accordance with the provisions of paragraph (12) of this Agreement.

2. All provisions of the Agreement being modified and any attachments thereto in conflict with this Modification shall be and are hereby changed to conform with this Modification, effective as of the date of the last execution of this Modification by both parties.
3. All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this document as of the dates set out below.

RECIPIENT: TOWN OF FORT MYERS BEACH DIVISION OF EMERGENCY MANAGEMENT

By: _____

By: _____

Name and Title: Larry Kiker, Mayor

Name and Title: Bryan W. Koon, Director

Date: _____

Date: _____